

**United States Court of Appeals
For the First Circuit**

No. 03-2087

JAMES GILLESPIE and DEBORAH GILLESPIE,

Plaintiffs, Appellees,

v.

SEARS, ROEBUCK & COMPANY and
EMERSON ELECTRIC COMPANY,


Defendants, Appellants.

JUDGMENT

Entered: October 6, 2004

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FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By:  Date: 10/6/2004

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is vacated, and the case is remanded for further proceedings consistent with the opinion issued this day.

By the Court:

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Joseph L. Tauro and Mr. William Ruane, Acting Clerk, United States District Court for Massachusetts. Copies to Mr. Boesch, Mr. Flynn, and Mr. Barry.]